
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DALLIN HAWKINS, et al.,

Plaintiffs,

v.

SALT LAKE COUNTY, et al.,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING REPORT AND
RECOMMENDATION IN FULL**

Case No. 2:19-CV-00442-JNP-CMR

District Judge Jill N. Parrish
Magistrate Judge Cecilia M. Romero

In October 2019, Plaintiff amended his complaint as a matter of course pursuant to Federal Rule of Civil Procedure 15(a). ECF No. 15. By his present motion, Plaintiff now seeks dismissal of certain parties and claims from his Amended Complaint. ECF No. 82. Defendants Salt Lake County and Officer Angie Oldham (“Defendants”) subsequently filed a motion to dismiss Plaintiff’s First Amended Complaint, arguing that Plaintiff’s claims were barred by the *Heck* doctrine, qualified immunity, and *Monell*, and that the Plaintiff had failed to state a claim upon which relief may be granted. ECF No. 84.

On December 21, 2023, Magistrate Judge Cecilia M. Romero issued a Report and Recommendation addressing both pending motions. ECF No. 98. Judge Romero recommends that the court liberally construe and grant Plaintiff’s motion to partially dismiss his own First Amended Complaint as a motion for leave to amend. *Id.* at 4–5. Judge Romero further recommends that the court deny Defendants’ motion to dismiss Plaintiff’s First Amended Complaint as moot. *Id.*

The Report and Recommendation notified the parties that a failure to file a timely objection to the recommendation may constitute a waiver of any objections upon subsequent review. *Id.* at 5. No party objected to the Report and Recommendation and any argument that it was in error has

thus been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also Duffield v. Jackson*, 545 F.3d 1234, 1238 (10th Cir. 2008) (listing factors to apply in determining whether the interests of justice require an exception to the waiver rule). The court does not find an exception to the waiver rule required in the interests of justice.

Thus, having reviewed Judge Romero’s recommendation, the court concludes it is not clearly erroneous and **ADOPTS IN FULL** the Report and Recommendation (ECF No. 98).

Accordingly, the court **ORDERS** as follows:

1. The Report and Recommendation (ECF No. 98) is **ADOPTED IN FULL**.
2. Plaintiff’s Motion is **GRANTED**, having been construed as a Motion for Leave to Amend (ECF No. 82). Plaintiff shall file his Second Amended Complaint within 30 days of this Order, restating only Count V of his First Amended Complaint against the remaining Defendants.
3. Plaintiffs Truck Finance Services and Integrity Financial Group and Defendants Von Thometz Knudson, David Michael Davidson, and Carla Camelo are **DISMISSED** from this action.
4. Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint with Prejudice (ECF No. 84) is **DENIED** as moot.

Signed February 15, 2024

BY THE COURT



Jill N. Parrish
United States District Court Judge